

"An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy, and to make an appropriation therefor, and declaring an emergency."

Have had the same under consideration and now beg to report it back to the Senate, with the recommendation that it do pass.

McNealus, Chairman; Strickland, Clark, Decherd, Henderson.

(Floor Report.)

Senate Chamber.

Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Finance Committee, to whom was referred

H. B. No. 5, A bill to be entitled "An Act making an appropriation of nine hundred and ninety-nine thousand dollars (\$999,000.00) for the fiscal year ending August 31, 1918, to be added to the one thousand dollars appropriated under the provisions of House Bill No. 226, Acts of the Thirty-fifth Legislature, Regular Session, 1917, and to be used under the provisions of said House Bill No. 226, just as if it had been made a part of said appropriation in the first case, and creating an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass and be printed in the Journal only.

Hudspeth, Chairman; Caldwell, Page, Johnson, Westbrook, Decherd, Clark, Hopkins, Johnston of Harris, Dean.

H. B. No. 5.

By Bell.

A BILL
To Be Entitled

An Act making an appropriation of nine hundred and ninety-nine thousand dollars (\$999,000.00) for the fiscal year ending August 31, 1918, to be added to the one thousand dollars appropriated under the provisions of House Bill No. 226, Acts of the Thirty-fifth Legislature, Regular Session, 1917, and to be used under the provisions of said House Bill No. 226, just as if it had been made a part of said appropriation in the first case, and creating an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the sum of nine hundred and ninety-nine thousand dollars, or such part thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for the fiscal year ending August 31, 1918, to be added to the one thousand dollars appropriated under House Bill No. 226, Acts of the Thirty-fifth Legislature, Regular Session, 1917; said amount of nine hundred and ninety-nine thousand dollars to be used in accordance with the provisions and specifications of said House Bill No. 226, just as if it had been made a part of said appropriation of the one thousand dollars set apart under the provisions of said House Bill No. 226, in the first case.

Sec. 2. The fact that only one thousand dollars was appropriated under the provisions of House Bill No. 226, Acts of the Thirty-fifth Legislature, Regular Session, 1917, for the fiscal year ending August 31, 1918, whereas it was clearly the intention of the Legislature to appropriate one million dollars for said purpose, and the further fact that there is a great demand upon the part of the people for correcting this error of appropriation, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force under the provisions of said House Bill No. 226 after its passage, and it is so enacted.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, May 7, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Clark.
Bee.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Floyd.
Caldwell.	Gibson.

Hall.	Page.
Harley.	Robbins.
Henderson.	Smith.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.
Johnston of Harris.	Woodward.
McNealus.	

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	Parr.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senator McCollum for today and tomorrow on account of important business on motion of Senator Dayton.

Senator Parr for today on motion of Senator Caldwell.

Senator Decherd for today on motion of Senator Dean.

Senator Lattimore for today and indefinitely on motion of Senator McNealus.

Senator King for today on motion of Senator Harley.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Senate Bill No. 29 Rereferred.

The Committee on Civil Jurisprudence here made report on S. B. No. 29, recommending that same be rereferred to the Committee on Finance.

On motion of Senator Bailey the report was adopted and the Chair accordingly referred the bill to the Finance Committee.

Message from the House.

Hall of the House of Representatives.
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

S. B. No. 13, A bill to be entitled "An Act to provide for the appointment of officers of the National Guard of Texas, and prescribing their qualifications and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith."

H. B. No. 18, A bill to be entitled "An Act to abolish the Cross Roads Independent School District, created under the general laws of the State of Texas, and to incorporate the Slocum Independent School District, consisting of the territory comprising the Cross Roads Independent School District, with all the powers, rights and privileges of independent school districts; providing that the board of trustees of the said Cross Roads Independent School District shall, for the term of office to which they were elected or appointed, continue to serve as trustees of the district incorporated, and that the taxes heretofore authorized to be levied by a vote of the people in the said Cross Roads Independent School District may continue to be levied and collected in the district herein incorporated, vesting the title of property in said district, and declaring an emergency."

S. C. R. No. 9, Inviting Hon. Gifford Pinchot, former Commissioner of Forestry of the United States, to address the Legislature.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair (Lieutenant Governor Hobby) had referred, after its caption had been read, the following House Bill:

H. B. No. 18, referred to the Committee on Educational Affairs.

Messages from the Governor.

Here the following messages from the Governor were received and laid before the Senate:

Governor's Office,
Austin, Texas, May 3, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. C. B. Monday, Hon. F. M. Fitzpatrick and Senator A. R. McCollum, I hereby submit for your consideration a bill, hereto attached, being an Act adding to and making a part of the Reagan Independent School District in Falls County, Texas, including the town of Reagan, and certain lands and territory adjoining thereto.

I also submit for your consideration a bill, hereto attached, being an Act providing compensation for county attorneys in counties having a population of more than one hundred thousand where there is no district attorney of all fees, commissions and perquisites earned by such office, and repealing all laws fixing a maximum compensation allowed such county attorney for services rendered and repealing all laws requiring such county attorney to pay over any excess fees.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. L. C. Stewart, I hereby submit for your consideration a bill, hereto attached, being an Act creating the Hemphill Independent School District No. 1 in Sabine County.

I also submit for your consideration a bill, hereto attached, at the request of Hon. James T. Denton, being an Act enlarging and establishing the Dayton Independent School District in Liberty County, Texas.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 7, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. C. B. Hudspeth, I hereby submit for your consideration a bill, hereto attached, being an Act to create the Fort Stockton Independent School District in

Fort Stockton, in Pecos County, Texas.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 7, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Senator Paul D. Page, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Section 24, Chapter 80 of Senate Bill No. 460, being An Act passed by the Thirty-third Legislature of the State of Texas, creating a more efficient road system for Bastrop County, Texas, and Section 24, relating to the compensation of members of the commissioners court and county judge of Bastrop County.

At the request of Senator A. C. Robbins, Hon. J. H. Woods, Hon. R. B. Williford, and Hon. C. E. Upchurch, I also submit for your consideration a bill, hereto attached, being an Act creating the Blooming Grove Independent School District in Navarro County, Texas.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the first called session of the Thirty-fourth Legislature, in accordance with a recommendation I then made, the sum of \$5,000 was appropriated "to pay the cost of surveying and establishing the Old San Antonio Road, sometimes referred to as 'The King's Highway,' from a point where the same crosses the boundary between Texas and Louisiana, to be expended under the direction of the Governor."

Whereupon, I appointed Major V. N. Zivley, a surveyor of well-known repute, to make a survey and prepare the necessary maps and field notes incident thereto. Mr. Zivley completed his labors in July, 1916; and the appropriation was entirely consumed in the work.

A large share of credit for much that has been done in this laudable enterprise should be accorded Mrs. Lipscomb Norvell, of Beaumont, Texas, and her associates in the Daughters of the American Revolution. These

public-spirited ladies have collected and deposited with me an additional sum of \$2,000 to be used in placing, five miles apart, stone or granite boulder markers along the highway. It will require, according to estimates made, a total of \$5,000 to buy and place in position the requisite number of these boulder markers of a size and character suitable for the purpose. To augment the amount collected and donated by these patriotic ladies, I ask the Legislature to appropriate the sum of \$3,000 to be expended in furtherance of this object.

I make the recommendation for the obvious reason that the road should be permanently marked. Its historical significance alone would entitle it to a lasting preservation. Traditionally, it is the oldest public thoroughfare in this section of the country. It was first opened in 1714 as a pack-mule trail from Mobile, Alabama, to Presidio Rio Grande by St. Denis, a Frenchman; and later served to mark the northern boundary line of Moses Austin's colonization grant from the Mexican government. Thenceforth, it was the great highway over which the heroic figures of Texas history were to come in quest of adventure and good fortune. To preserve its historical value, as well as to serve an apparently practical purpose, I think the appropriation would be well made.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Hon. W. E. Bledsoe, I hereby submit for your consideration a bill, hereto attached, being an Act to validate purchases of school land made on condition of settlement and residence in cases where the purchasers have failed to file affidavits of settlement within the time required by law, and to validate and provide for the issuance of certificates of occupancy in cases where the purchasers shall reside or shall have resided on their lands for the period of time required by law.

I also submit for your consideration a bill, hereto attached, at the request of Hon. John H. Bailey, being an Act creating the Kenedy In-

dependent School District in Karnes County.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Hon. S. W. Tinner, I hereby submit for your consideration a bill, hereto attached, being an Act amending Article 303, Revised Penal Code of Texas, 1911, providing limitations and exceptions upon and to the provisions of Article 302, Revised Penal Code, 1911, relating to selling, etc., on Sunday, so as to exempt from the provisions of Article 302, Penal Code, 1911, the selling, etc., of gasoline.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 3, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Hon. J. H. Swope, I hereby submit for your consideration a bill, hereto attached, being an Act giving to the owner of any real estate or interest therein sold under execution, order of sale, deed of trust, mortgage or other contract lien the right to redeem the same at any time in one year from the date of sale, etc., together with such amendments and additions as the Legislature may in its wisdom determine.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 3, 1917.

To the Thirty-fifth Legislature in Called Session:

I hereby submit for your consideration a bill, hereto attached, being an Act amending an Act passed by the Thirty-third Legislature of the State of Texas, entitled "An Act granting unto the municipal authorities of the city of Austin, Texas, the right to establish, operate and maintain a public municipal auditorium upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the city

of Austin; and changing the designation upon the map of the city of Austin of said tract, from public square to public municipal auditorium" so as to grant to the city of Austin for ninety-nine years the said land for a municipal auditorium and market, to hereafter read as outlined in the bill hereto attached.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. R. H. Holland, I hereby submit for your consideration a bill, hereto attached, being an Act creating the Cedar Bayou Independent School District in the Counties of Harris and Chambers, State of Texas, together with such additions and amendments as the Legislature may deem proper.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 5, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. Sam D. Low and Hon. W. D. Cope, I hereby submit for your consideration a bill, hereto attached, being an Act conferring certain powers upon the commissioners courts of the counties of this State and authorizing said courts, under such regulations as they may prescribe, to appropriate and use any sum or sums of money not exceeding fifteen hundred dollars per year for canning demonstration agents' work in their respective counties.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 4, 1917.

To the Thirty-fifth Legislature in
Called Session:

At the request of Hon. R. L. Carlock, Hon. R. H. Holland, Hon. E. C. Walker, and Hon. Harry V. Fisher, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Article 1156, of Chapter 3, of Title 15, of the Revised Code of Criminal Procedure of

the State of Texas, relating to the holding of inquests.

At the request of Hon. Louis H. Scholl and Hon. Leonard Tillotson, I also submit for your consideration a bill, hereto attached, being an Act to provide for the protection of fish in the fresh waters of the State of Texas; providing for a closed season from February 15 to May 15 of any year; and prohibiting the catching or taking of trout, bass, catfish, blue cat, or mud cat, of less than six inches in length.

I also desire to submit for your consideration a bill, hereto attached, being an Act to amend Chapter 60, General Laws of the State of Texas, passed by the Thirty-fifth Legislature at its Regular Session, being "An Act supplementing the act creating a Live Stock Sanitary Commission for the State of Texas, as defined and described in Article 7312, Revised Civil Statutes, etc."

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Executive Office,
Austin, Texas, May 4, 1917.

To the Texas State Senate:

I ask the advice, consent and confirmation by the Senate of the following appointments:

Hon. A. L. Robbins of Red River County, appointed March 31, 1917, as district attorney for the Sixth Judicial District of Texas, in place of Hon. J. R. Kennedy, deceased;

Hon. Ben G. Smith of Pecos County, appointed March 27, 1917, as district attorney of the Eighty-third Judicial District of Texas;

Captain Jos. Weikerth of Harris County, appointed April 2, 1917, as branch pilot for the Port of Houston, in place of Captain Allien, deceased;

Captain H. H. Haden of Brazoria County, appointed March 19, 1917, as branch pilot for the mouth of Brazos River;

Hon. Robert M. Liles of Milam County, appointed April 4, 1917, as a member of the State Mining Board in place of Hon. J. K. Freeman, resigned;

Hon. F. M. Law of Harris County, appointed April 4, 1917, as a member of the board of managers of A. & M. College in place of Hon. Thomas E. Battle, resigned;

Hon. J. Llewellyn of Montgomery County, as judge of the Seventy-fifth

Judicial District of Texas, appointed April 13, 1917;

Hon. Dan Harrison of Liberty County, appointed April 13, 1917; as district attorney for the Seventy-fifth Judicial District of Texas;

Hon. Frank Swor of Tarrant County, to be Labor Commissioner of the State of Texas.

Respectfully submitted,

JAS. E. FERGUSON,

Governor of Texas.

On motion of Senator Caldwell the foregoing appointments were referred to the Committee on Nominations of the Governor.

Bill Signed.

The Chair (Lieutenant Governor Hobby) gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 13, A bill to be entitled "An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their qualification and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith."

H. C. R. No. 2, recommending the construction by the Federal Government of a military highway along the southwestern boundary of the United States.

S. C. R. No. 9, Inviting the Hon. Gifford Pinchot to address a joint session of the Senate and the House of Representatives.

Bills and Resolutions.

By Senator Bailey:

S. B. No. 36, A bill to be entitled "An Act creating the Kenedy Independent School District, known as the Kenedy Independent School District, in Karnes County, Texas, and including within its limits the municipal corporation of the City of Kenedy, and other territory adjacent thereto, and defining its boundaries; and to provide for the creating of a board of trustees thereof and authorizing the board of trustees thereof to levy, assess and collect special taxes; and

provide authority to issue bonds for the purposes of purchasing school sites and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay current expenses for the maintenance and support of said schools, providing for a board of equalization and prescribing the duty and authority of the board of trustees, declaring valid an issue of bonds heretofore made, declaring valid a maintenance tax heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Page:

S. B. No. 37, A bill to be entitled "An Act to amend Section 24, Chapter 80 of Senate Bill No. 460, being an Act passed by the Thirty-third Legislature of the State of Texas, creating a more efficient road system for Bastrop County, Texas, said Section 24 relating to the compensation of members of the commissioners' court and county judge of Bastrop County, Texas, as ex officio road commissioners, and fixing the compensation of the county judge and commissioners' court for each and every day of service, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Roads, Bridges and Ferries.

By Senator Hudspeth:

S. B. No. 38, A bill to be entitled "An Act to create the Independent School District at Fort Stockton, in Pecos County, Texas, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Hudspeth:

S. B. No. 39, A bill to be entitled "An Act making appropriations for deficiencies in appropriations made for the support of the Texas School for the Blind, for the fiscal year ending August 31, 1917, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Buchanan of Scurry:

S. B. No. 40, A bill to be entitled "An Act to designate the time at which and after which the appropriations made at the Regular Ses-

sion of the Thirty-fifth Legislature for the construction, equipment and maintenance of certain new educational institutions in this State, shall be available, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Caldwell:

S. B. No. 41, A bill to be entitled "An Act to amend Chapter 207 of the laws of the Thirty-fifth Legislature, Regular Session, pages 474 to 485, published laws of said session, regulating the operation of motor vehicles on the public highways in this State and approved by the Governor April 9, 1917, by adding thereto, Sections 44, 45 and 46, providing in substance that all violations of the said Act for which specific penalties are not therein provided shall constitute a misdemeanor and fixing the punishment therefor; and further, giving peace officers the right to arrest without warrant for offenses against said Act committed in their view or within their presence, and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Caldwell:

S. B. No. 42, A bill to be entitled "An Act creating the Granger Independent School District in the County of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district; divesting the old Granger Independent School District, created under the General Laws of the State, of the control of its public free schools and the title of all property now in the Granger Independent School District here created and its board of trustees; for the assessment and collection of taxes, and for the appointment and election by the board of trustees of a treasurer; granting power unto said board of trustees to issue common bonds, and providing for a sinking fund therefor; granting unto said board of trustees power to purchase school sites, and erecting, furnishing, equipping and maintaining schools and school buildings within said district, and providing for an emergency, etc."

Read first time and referred to the Committee on Educational Affairs.

By Senator McCollum:

S. B. No. 43, A bill to be entitled "An Act adding to and making a part of the Reagan Independent School District in Falls County, Texas, including the town of Reagan, certain lands and territory adjoining thereto; and declaring an emergency."

Read first time and referred to the Committee on Educational Affairs.

By Senator Harley:

S. B. No. 44, A bill to be entitled "An Act to define the militia and the unorganized militia of the State of Texas, and setting forth the composition thereof; exempting certain persons from military duty; providing for the staff of the Governor, the organization of the National Guard of Texas, the oath of enlistment, and the enlisted strength of the National Guard of Texas; for the Governor to organize and maintain the National Guard of Texas, and how such organizations shall be created and maintained; to provide for National Guard of Texas reserve, etc., and declaring an emergency."

Read first time and referred to the Committee on Military Affairs.

By Senator Hudspeth:

S. B. No. 45, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

Read first time and referred to the Committee on Finance.

Simple Resolution No. 27.

Whereas, There are hanging upon the walls of the Senate chamber, paintings of men and women, who have shed glory and lustre on our State and who have written their names indelibly upon the pages of history; and,

Whereas, It is through the lives and deeds of our great men and women that the youth of our land are inspired with high and noble ambition, therefore be it

Resolved, That these pictures should have placed underneath them, in a neat frame covered with glass, the printed names together with a short statement of the distinguished ser-

vices rendered the people, in order that all who visit the Capitol and look upon them, and who may not be familiar with the faces, may know who they are that are thus held in such high reverence and esteem by the people of Texas; and the Superintendent of Public Buildings and Grounds is hereby instructed to have the names of each of them placed thereon in the way and manner above stated; and also of all whose pictures that may hereafter grace the walls of the Chamber. The President of the Senate is hereby authorized to appoint a committee of three to furnish the inscriptions to be contained in the frames.

CLARK.

The resolution was read and adopted and pursuant to the terms of same the chair appointed as the special committee there provided for, Senators Bee, McNealus and Dean.

Simple Resolution No. 28.

Whereas, The United States government is engaged in a serious conflict with a foreign foe and is facing a crisis, the extent, seriousness and magnitude of which is unknown and undeterminable at this time, and

Whereas, The Congress of the United States now in session is considering ways and means by which an enormous and efficient army may be raised for the protection and preservation of the honor of our country and the lives and property of our people, but on account of the limited time Congress has had in which to consider these grave and intricate questions there now remain many important subjects yet to be and which will be acted upon by the Congress of the United States, which will affect the production and conservation of food supplies and the preservation of the lives and property of our citizens, many of which subjects and matters when so passed upon by the Federal Congress will also demand the serious, unbiased and non-partisan attention of the legislatures of the States of this Union, and by reason of which facts it is apparent that the Legislature of Texas will of necessity be re-convened in the near future to consider the matters above set forth, and

Whereas, There is now no public demand for and no sane necessity for any legislation with the exception

of making suitable and proper appropriations for the maintenance of our State Government and the protection of the lives and property of our citizens; therefore be it

Resolved by the Senate of Texas, That it is the sense of this Senate that the appropriation bills and such military and defense bills as may be submitted be fully considered and acted upon at as early a date as possible and that no other general legislation be had or considered at this session.

HALL.

The resolution was read, and Senator Caldwell made the point of order that the resolution, if adopted, would change the rules of the Senate and should be referred to the Committee on Rules.

The Chair overruled the point of order, holding that if adopted the resolution would not affect the calendar nor the rules of the Senate.

Action recurred upon the resolution and the same was adopted by the following vote:

Yeas—18.

Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Hall.
Clark.	McNealus.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—6.

Bailey.	Harley.
Bee.	Hudspeth.
Caldwell.	Page.

Present—Not Voting.

Dayton.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	Parr.

Simple Resolution No. 29.

Whereas, It is currently and persistently reported that there is now in the employment of the State, by appointment of certain officials of the State, parties who are so unpatriotic and so much in sympathy with our enemies as to curse the American flag

Library and Historical Commission
Austin, Texas

and who have such little sympathy with the ideals and sentiments of the South as to curse the memory of Lee, Jackson and Jefferson; and,

Whereas, It is also reported that certain department heads are permitting employes to be absent from their work and to draw pay from the State for full time, and other employes to engage in other employment for pay while at the same time drawing their salary from the State, thereby duplicating their salaries; and,

Whereas, It appears, from the best information that this Senate has been able to obtain, that more than \$125,000.00 has been expended since the Thirty-fourth Legislature adjourned in purported repairs and improvements in and on our Capitol building without even so much as having a written contract or contracts, plans and specifications of the work that was to have been done, and that no report of same has been made nor any one authorized to make such report;

Therefore be it Resolved,

1. That the Lieutenant Governor appoint a committee of three members of this body to investigate the matters herein stated and to report their findings to the Senate at the earliest date consistent with a thorough investigation of all of said matters in order that the Finance Committee and members of the Senate may have such information to enable them to make proper and just appropriation for each department and to adjust salaries of different State officers as submitted by the Governor, and to also find, if possible, the contract or contracts under which the Capitol repairs were made and to report to the Senate whether or not said contract has been performed and if no contracts can be found, then to report to the Senate what repairs have been made and the estimated cost thereof.

2. That if said current and persistent reports as to certain employes being so in sympathy with the enemies of our country as to curse the American flag and those noble and distinguished patriots who so loyally gave their service and their lives to our country be found to be true, that those responsible for the appointment of such employes should demand their resignation to take immediate effect.

SUITER.

The resolution was read and adopted.

The Chair announced the appointment of Senators Suiter, Bailey and Henderson as the special committee provided for in the resolution.

Morning call concluded.

Senate Bill No. 33—Proposed Amendment.

By unanimous consent Senator Dayton offered the following proposed amendments to Senate Bill No. 33, which were ordered printed in the Journal:

(1)

Amend Senate Bill No. 33 by striking out all after the enacting clause, and insert in lieu thereof the following:

Section 1. Every male person who is a qualified voter under the constitution and laws of this State, shall be entitled to vote in all primary elections in this State as hereinafter provided.

Section 2. When such elector as defined in Section 1 hereof, who through the nature of his business is absent or expects in the course of his said business to be absent from the precinct in which he is entitled to vote, or from this State, on the date of the holding of any primary election for nomination of the National, State, county, district or city officers, may vote at said primary election in the following manner:

Section 3. Any elector as herein defined, who expects to be absent from his usual voting place and residence on a primary election day may, not more than twenty nor less than three days prior to the date of such primary election, make application to the county clerk of the county in which he is entitled to vote, or to the city clerk, in case of city election, for an official primary election ballot to be voted at said election. Application for said ballot shall be made in person, or by mail on a blank to be furnished by the county clerk or city clerk where the applicant is the elector, and shall be substantially in the following form:

Application for ballot to be Voted at the Primary Election on.....
State of.....

SS.

County of

I.....
do solemnly swear that I have been a
resident of the State of Texas for one
year, and of the.....
precinct of
ward of the city (or town) of.....
.....six months next preceding
this election. That I am.....
..... (stating business) and be-
cause of the nature of my business ex-
pect to be absent from said precinct on
..... the date of this elec-
tion, and I hereby make application
for an official primary ballot or bal-
lots to be voted by me at such election
and that I will return said ballot or
ballots to the officer issuing same or
election judge of my precinct or ward,
on or before the day of the election.
Date
Signed
Residence, (street and number).....
..... City
..... Postoffice address
..... Subscribed and sworn
to before me this..... day of.....
..... A. D. 19.....

Section 4. The applicant for said
ballot shall furnish the county or city
clerk with the postage necessary to
carry out the purposes of this act.

Section 5. Upon receipt of such ap-
plication duly executed and not more
than fifteen nor less than three days
prior to such election, the county, or
city clerk, as the case may be, shall
mail the applicant an official ballot
or ballots if more than one are to be
voted at said election, or such officer
shall deliver said ballot or ballots to
the applicant personally with name and
address of presiding judge of election
in applicant's precinct or ward, not
more than ten nor less than one secular
day before said election. Upon receipt
of ballot or ballots same shall be made
out, placed in envelope and sealed and
marked "Voted Ballot", and addressed
to the judge of the election, officially.
The election judge on receipt of said
ballot or ballots shall open same in the
presence of the election officers holding
the election, on the date of the elec-
tion and deposit the same as a ballot
voted personally but with the envelope
in which the ballot was contained;
and the counting officer shall count
said ballot or ballots the same as if the
voter had been personally present. The
voter shall enclose, with voted ballot
or ballots, his poll tax receipt, or his
exemption certificate, or constitutional
affidavit of its loss or misplacement,
and a self addressed and stamped en-

velope, in which the election judge
shall return poll tax receipt or ex-
emption certificate to voter.

Section 6. It shall be the duty of
the executive committees of all par-
ties holding primary elections in this
State for National, State, county, dis-
trict or city officers to prepare their
official ballots and deposit the same
with the clerk of the county courts in
case of National, State, county and
precinct officers, and with the city
clerk in case of city officers, at least
twenty-five days prior to the said
primary election.

Section 7. Any person receiving a
ballot under the provisions of this Act,
who shall open the envelope and show
the same to any person, or dispose of
same to any person, or permit any per-
son to inspect the same, or obtain a
copy thereof, or use the same in any
manner whatever except as provided in
this Act, shall be deemed guilty of a
misdemeanor, and, upon conviction,
shall be punished by a fine not exceed-
ing \$200.00, or by imprisonment in the
county jail not exceeding thirty days;
or by both such fine and imprison-
ment.

Section 8. All laws and parts of
laws in conflict with this Act be and
the same are hereby repealed.

Section 9. The importance of this
Act to the people of the State and the
amount of legislative work that will
be on the calendar for this session ren-
dering the passage of important Acts
and legislation doubtful, creates an
emergency and an imperative public ne-
cessity, requiring that the constitution-
al rule requiring bills to be read on
three several days, be suspended, and
said rule is hereby suspended, and this
Act shall take effect and be in force
from and after its passage, and it is
so enacted.

(2)

Amend Senate Bill No. 33 as fol-
lows: by striking out all above the
enacting clause, and insert in lieu
thereof the following:

"A bill to be entitled 'An Act per-
mitting absentee voting at primary
elections in this State, prescribing the
manner in which the voting shall be
done, the obtaining of ballots, the
counting of same; prescribing pun-
ishment for violations of this Act and
declaring an emergency.'"

Recess.

At 12:15 o'clock p. m. Senator

Clark moved that the Senate recess until 2:30 o'clock p. m. today.

As a substitute Senator Hudspeth moved that the Senate recess until 2:00 p. m.

Action recurred upon the longest time first and the motion to recess until 2:30 o'clock prevailed.

After Recess.

(Afternoon Session.)

The Senate was called to order at 2:30 o'clock, by Lieutenant Governor Hobby.

Senate Bill No. 24.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 24, A bill to be entitled "An Act validating all elections held under and by virtue of petitions, orders of commissioners' courts, and the posting of notices thereof under the provisions of Section 8, Chapter 169, Acts of the Regular Session of the Thirty-third Legislature, where such petition, orders and notices were filed, made and posted prior to the taking effect of committee substitute for Senate Bill No. 108, and the election held therein was held subsequent to the taking effect of committee substitute for Senate Bill No. 108, enacted at the Regular Session of the Thirty-fifth Legislature, and approved by the Governor on March 6, 1917; providing that this Act shall in no wise alter, affect, abrogate or in any way abridge the rights of the Live Stock Sanitary Commission of the State of Texas under such committee substitute for Senate Bill No. 108; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 24 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Clark.
Bee.	Dayton.
Buchanan of Bell.	Dean.
Buchanan of Scurry.	Floyd.
Caldwell.	Hall.

Harley.	Parr.
Hopkins.	Robbins.
Hudspeth.	Smith.
Johnson of Hall.	Strickland.
Johnston of Harris.	Suiter.
McNealus.	Woodward.
Page.	

Absent.

Gibson.	Westbrook.
Henderson.	

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—24.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Absent.

Dean.	Harley.
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Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

Senator McNealus moved to reconsider the vote by which Senate Bill No. 24 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 6.

Senator Bee called for the special order of business, Senate Bill No. 6, which was not reached on last Friday, the day for which it had been set as a special order, due to the adjournment of the Senate on Thursday.

Senator Harley made the point of order that Senate Bill No. 14 is pending business and would take precedence over the special order.

The Chair overruled the point of order.

Senator McNealus made the point of order that Senate Bill No. 6 can not be taken up at this time for the reason that the Senate has ordered the same printed in bill form and this action must be rescinded before the bill can be considered in any different form.

The Chair sustained the point of order, holding that the bill could not be laid before the Senate until the same had been printed, and further holding that Senate Bill No. 6 will not be displaced nor lose its place on the calendar as a special order unless displaced by another special order.

Messages from the Governor.

Here the following messages from the Governor were received and laid before the Senate:

Governor's Office,
Austin, Texas, May 7, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Honorable Fritz R. Smith, Honorable R. F. Spencer and Senator C. R. Buchanan, I hereby submit for your consideration a bill, hereto attached, being an Act to amend Chapter 83 of the Acts of the Regular Session of the Thirty-second Legislature of Texas, to create a more efficient road system for Nolan County, Texas.

At the request of Senator Carlos Bee, I also submit for your consideration a bill, hereto attached, being an Act amending Article 3093, Chapter 4, Title 58, of the Revised Civil Statutes of 1911, of the State of Texas, and as amended by Chapter 142, of the Regular Session of the Thirty-third Legislature and by Chapter 55 of the Regular Session of the Thirty-fifth Legislature, so as to provide that county attorneys in counties having a population of over 100,000, where there is also a district attorney, may appoint, on the consent of the county judge, not to exceed two assistants in addition to his regular deputies.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Governor's Office,
Austin, Texas, May 7, 1917.

To the Thirty-fifth Legislature in Called Session:

At the request of Senator Carlos Bee, I hereby submit for your consideration the following bills, hereto attached:

An Act to amend Articles 418 and 419, Chapter 1, Title 7, and Article 1161, Title 15, of the Code of Criminal Procedure of the State of Texas, and providing for the appointment of bailiffs for the grand jury, by adding to Article 418 a provision for the appointment of not exceeding three bailiffs by the district attorney, and not exceeding two bailiffs by the county attorney in counties of over 100,000 population to do such work as he may assign them, prescribing their duties and fixing their compensation.

An Act creating the office of grand jury stenographer and providing compensation therefor.

An Act prescribing the minimum qualifications of county superintendents of public instruction, fixing a schedule of maximum salaries for county superintendents, providing that no present commission shall be impaired, allowing commissioners' courts and boards of county school trustees to provide clerical and supervisory help.

Respectfully submitted,
JAS. E. FERGUSON,
Governor of Texas.

Simple Resolution No. 30.

(By unanimous consent.)

Resolved, That the President of the Senate take such steps or method as he may see proper to ascertain why the printer who has the contract for printing the Senate bills has not furnished Senate Bill No. 6 to the Senate by this time.

McNEALUS.

The resolution was read and adopted.

Senate Bill No. 16.

Senator Hudspeth called for the special order of business, Senate Bill No. 16.

Senator McNealus made the point of order that Senate Bill No. 16 was set as a special order to follow con-

sideration of Senate Bill No. 6 and that since Senate Bill No. 6 had not yet been considered by the Senate, Senate Bill No. 16 could not be taken up at this time.

The point of order was overruled, the Chair holding that Senate Bill No. 16 was in order.

The Chair laid before the Senate on second reading:

S. B. No. 16, A bill to be entitled "An Act to authorize an extension of the contracts made with the various book companies by the State of Texas to furnish school books for the public schools and which contracts terminate under the terms of the same on August 31, 1919, for a period of one year from that date; providing for said extension to be made by the Board of Education of the State of Texas on or before June 1, 1918; providing that the Attorney General shall examine and approve the contracts and bonds entered into by the companies as to their legality and binding effect; providing that each and every company which agrees to and enters into contract, for a period of one year, shall execute a good and sufficient bond in the same terms and upon the same conditions as the bonds heretofore made to the State, guaranteeing the performance of said contract, and creating an emergency."

Pending.

Senate Bill No. 14.

(By unanimous consent.)

The Chair laid before the Senate as pending business on second reading:

S. B. No. 14, A bill to be entitled "An Act making an appropriation of one million dollars or so much thereof as may be necessary out of the general revenue or any other available funds for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered on military duty; providing for the pay, transportation and expense of officers on active duty or while serving on military courts and boards; providing for mileage and per diem and expense of witnesses appearing before military courts and boards, etc."

The question being upon the fol-

lowing amendment to the pending amendment by Senator Buchanan of Scurry:

Amend the amendment by substituting the words "one hundred thousand" for the words "five hundred thousand."

Senator Buchanan of Scurry moved to table the amendment to the amendment, which motion prevailed by the following vote:

Yeas—20.

Bee.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—2.

Dean.	Floyd.
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Absent.

Bailey.

Absent—Excused.

Alderdice.	Decherd.
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Pairs Recorded.

Senator Hudspeth (present), who would vote "yea;" Senator Lattimore (absent), who would vote "nay."

Senator Buchanan of Bell (present), who would vote "nay;" Senator King (absent), who would vote "yea."

Senator Johnson (present), who would vote "nay;" Senator McCol-lum (absent), who would vote "yea."

(President Pro Tem. Suiter in the chair.)

Senator Dayton offered the following substitute for the pending amendment (see Journal, page 78):

(9) Substitute for amendment to Senate Bill No. 14 by striking out in line 4, page 2, printed bill, the words "one million dollars" and insert in lieu thereof "seven hundred and fifty thousand dollars."

Senator McNealus moved to table the substitute.

The motion was lost by the following vote:

Yeas—7.

Buchanan of Scurry. McNealus.
Dean. Robbins.
Floyd. Suiter.
Johnston of Harris.

Nays—16.

Bailey. Henderson.
Bee. Hopkins.
Caldwell. Page.
Clark. Parr.
Dayton. Smith.
Gibson. Strickland.
Hall. Westbrook.
Harley. Woodward.

Absent—Excused.

Alderdice. Decherd.

Pairs Recorded.

Senator Johnson (present), who would vote "yea;" Senator McCollum (absent), who would vote "nay."

Senator Hudspeth (present), who would vote "nay;" Senator Lattimore (absent), who would vote "yea."

Senator Buchanan of Bell (present), who would vote "yea;" Senator King (absent), who would vote "nay."

The amendment of Senator Dayton was substituted.

The amendment as substituted was then adopted.

Senator Dayton offered the following:

(10) Amend the bill on page 2, line 30, of the printed bill, by striking out all after the word "character" down to and including the word "low" in line 31.

The amendment was adopted by the following vote:

Yeas—16.

Bailey. Hopkins.
Bee. Johnston of Harris.
Caldwell. Page.
Clark. Parr.
Dayton. Smith.
Gibson. Strickland.
Hall. Westbrook.
Harley. Woodward.

Nays—6.

Buchanan of Scurry. McNealus.
Dean. Robbins.
Floyd. Suiter.

Absent.

Henderson.

Absent—Excused.

Alderdice. Decherd.

Pairs Recorded.

Senator Johnson (present), who would vote "nay;" Senator McCollum (absent), who would vote "yea."

Senator Hudspeth (present), who would vote "yea;" Senator Lattimore (absent), who would vote "nay."

Senator Buchanan of Bell (present), who would vote "nay;" Senator King (absent), who would vote "yea."

Senator Dayton offered the following amendment, which was read and adopted:

(11) Amend the caption to Senate Bill No. 14, on page 1, line 6, caption of printed bill, by striking out the words "one million dollars" and inserting in lieu thereof the words "seven hundred and fifty thousand dollars," also by striking out all of line 27, page 1, and numbering all other lines to correspond.

Senator Floyd offered the following amendments, which were read and adopted, being voted on separately:

(12) Amend the bill, page 3, line 4, by striking out the word "stationary" and inserting in lieu thereof the word "stationery."

(13) Amend the bill, page 2, line 27, by striking out the word "stationary" and inserting in lieu thereof the word "stationery."

On motion of Senator Harley, the bill was ordered engrossed by the following vote:

Yeas—18.

Bailey. Hopkins.
Bee. Johnston of Harris.
Caldwell. McNealus.
Clark. Page.
Dayton. Parr.
Floyd. Smith.
Gibson. Strickland.
Hall. Westbrook.
Harley. Woodward.

Nays—4.

Buchanan of Scurry. Robbins.
Dean. Suiter.

Absent.

Henderson.

Absent—Excused.

Alderdice. Decherd.

Pairs Recorded.

Senator Hudspeth (present), who would vote "yea;" Senator Lattimore (absent), who would vote "nay."

Senator Johnson (present), who would vote "nay;" Senator McCollum (absent), who would vote "yea."

Senator Buchanan of Bell (present), who would vote "nay;" Senator King (absent), who would vote "yea."

On motion of Senator Harley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 14 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.

Pair Recorded.

Senator Buchanan of Bell (present), who would vote "nay;" Senator King (absent), who would vote "yea."

The bill was laid before the Senate, read third time and, on motion of Senator Harley, was passed by the following vote:

Yeas—22.

Bailey.	Hudspeth.
Bee.	Johnston of Harris.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hopkins.	Woodward.

Nays—2.

Buchanan of Scurry. Dean.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	

Pairs Recorded.

Senator Johnson (present), who would vote "nay;" Senator McCollum (absent), who would vote "yea."

Senator Buchanan of Bell (present), who would vote "nay;" Senator King (absent), who would vote "yea."

Senator Harley moved to reconsider the vote by which Senate Bill No. 14 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 18.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 18, A bill to be entitled "An Act to amend Chapter 15, Title 48 of the Revised Civil Statutes of the State of Texas by adding thereto Article 2815, to provide for the incorporation of the whole or any part of independent or common school districts into an independent school district constituted by an incorporated city or town, and providing for the assumption by such incorporated city or town of the whole or bonded indebtedness of such independent or common school district, and declaring an emergency."

The committee report that the bill be not printed was adopted.

Senator Dean offered the following amendments, which were read and adopted, being voted on separately:

(1) Amend the bill by adding after Section 1 the following:

Section 1a. In all cases where any town or village has heretofore been incorporated or may hereafter be incorporated for free school purposes only and which shall include within the limits thereof any portion or portions of any common school district which has an outstanding bonded indebtedness, then such town or village incorporated for school purposes only shall be.

come bound and liable for the payment of such proportion of the bonded indebtedness of the common school district as the assessed value of the portion of such common school district included within the limits of the district so incorporated for free school purposes only shall bear to the entire assessed value of the common school district from which the same was taken, as such assessed values are shown upon the last preceding county tax assessment roll; and thereafter such incorporated town or village shall pay either directly or through the officers of such common school district the proportion of the interest and principal of such bonded indebtedness for which it is liable.

(2) Amend the caption by adding after the words "common school district," line 8, the following: "and providing for the assumption by towns or villages incorporated for free school purposes only of any part of the bonded indebtedness of the portion or portions of common school districts included within the town or village so incorporated for free school purposes only."

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 18 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Clark.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Harley.	Westbrook.
Hopkins.	Woodward.

Absent.

Hall.	Henderson.
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Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

The bill was laid before the Senate, read third time and, on motion

of Senator Hudspeth, was passed by the following vote:

Yeas—21.

Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Harley.	Woodward.
Hudspeth.	

Nays—1.

Hopkins.

Absent.

Gibson.	Henderson.
Hall.	Westbrook.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

House Bill No. 2—Set as Special Order.

By unanimous consent and on motion of Senator Strickland H. B. No. 2 was set as a special order for next Wednesday morning at 10:30 o'clock.

Senate Bill No. 23.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 23, A bill to be entitled "An Act to provide a home for lepers, and to provide for the isolation, care and treatment of persons suffering with leprosy and to make an appropriation therefor, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 23 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Buchanan of Scurry.
Bee.	Caldwell.
Buchanan of Bell.	Clark.

Dayton.	Page.
Floyd.	Parr.
Gibson.	Robbins.
Harley.	Smith.
Hopkins.	Strickland.
Hudspeth.	Suiter.
Johnson of Hall.	Westbrook.
Johnston of Harris.	Woodward.
McNealus.	

Present—Not Voting.

Dean.

Absent.

Hall.

Henderson.

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

The bill was laid before the Senate, read third time and, on motion of Senator Clark, was passed by the following vote:

Yeas—23.

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	McNealus.
Caldwell.	Parr.
Clark.	Robbins.
Dayton.	Smith.
Dean.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	Woodward.
Hopkins.	

Absent.

Hall.	Page.
Henderson.	

Absent—Excused.

Alderdice.	Lattimore.
Decherd.	McCollum.
King.	

Senate Bill No. 25—Set as Special Order.

By unanimous consent and on motion of Senator Clark, S. B. No. 25 was set as a special order for 2:30 o'clock p. m. tomorrow.

Simple Resolution No. 31.

(By unanimous consent.)

Whereas, the Hon. Thoms H. Ball,

a distinguished citizen of Houston and the State of Texas, is now in the Capitol, therefore,

Be it resolved, by the Senate of the Thirty-fifth Legislature of Texas, that the distinguished gentlemen be extended the privileges of the floor and invited to address the Senate.

JOHNSTON of Harris.
DEAN.

The resolution was read and adopted.

The Hon. T. H. Ball addressed the Senate.

Senate Bill No. 22—Set as a Special Order.

By unanimous consent and on motion of Senator Caldwell, S. B. No. 22 was set as a special order for 3:30 o'clock p. m. tomorrow.

Adjournment.

At 6:15 o'clock p. m. on motion of Senator Bailey, the Senate adjourned until 10 o'clock tomorrow.

APPENDIX.

Petitions and Memorials.

Numerously signed petitions and telegrams opposing the Sunday amusement bill were offered by Senators Robbins, Hudspeth, Dean, Floyd, McNealus, Hall, Buchanan of Bell, Johnston, Henderson and Gibson.

Strong opposition to the Bee Textbook Bill is indicated in numerous signed petitions to Senators Buchanan of Bell, Gibson, Robbins, Henderson, Floyd.

A memorial to Senator McNealus from Dallas urging the passage of the Sunday amusement bill, was offered.

Petitions from Hunt, Collin and Raines Counties in opposition to Bee Textbook Bill and Hudspeth "Movie Bill" were sent up by Senator Westbrook.

An adequate appropriation for the extension department of the A. & M. College is requested by the Federation of Women's Clubs of Dallas County in a petition to Senator McNealus.

Telegrams to Senators Johnston and Harley were offered in behalf of

the appropriation to organize an additional National Guard unit to full strength.

Senator Floyd offered a numerous signed telegram from Sulphur Springs opposing the "Full Crew Bill."

Senators Smith and Bee offered petitions from their districts asking support of the farmers' institutes and asking for appropriations for their maintenance.

Engrossing Committee Report.

Senate Chamber,

Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 24 carefully compared, and finds the same correctly engrossed.

WESTBROOK, Vice-Chairman.

Committee Reports.

Committee Room,

Austin, Texas, May 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 8,

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do not pass, but that the following committee substitute be passed in lieu thereof:

"An Act to appropriate out of the general revenue, not heretofore appropriated, the sum of nineteen hundred and twenty-five dollars (\$1,925) or so much thereof as may be necessary to defray the expenses of the Employers' Liability Act by the Industrial Accident Board in carrying out the provisions of that Act as amended by Senate Bill No. 237, passed at the Regular Session of the Thirty-fifth Legislature of the State of Texas, such expenses to be for the fiscal year ending August 31, 1917, and declaring an emergency."

HUDSPETH, Chairman.

Committee Room,

Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act making appropriations to cover authorized deficiencies for fiscal year ending August 31, 1915, and to cover authorized deficiencies for the fiscal year ending August 31, 1916, being amount of registered deficiency warrants as shown by the records of the State Comptroller, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it be referred to the Finance Committee of the Senate.

BAILEY, Chairman.

Committee Room,

Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 25, A bill to be entitled "An Act to amend Article 6086, Revised Civil Statutes of the State of Texas, Chapter 1, Title 100, entitled 'Board of Pardon Advisers,'"

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass with the following committee amendments and be not printed:

(1) Amend the caption of the bill by adding after the words "Pardon Advisers" the words "prescribing their salaries, repealing all laws and parts of laws in conflict with this Act, and declaring an emergency."

(2) Insert in the bill after the first paragraph and before the emergency clause the following: "Section 2. All laws and parts of laws in conflict with this Act are hereby repealed."

(3) Number the sections of the bill "Sections 1, 2 and 3."

BAILEY, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Labor, to whom was referred

S. B. No. 21, A bill to be entitled "An Act prescribing the number of employes on all trains of more than sixty cars, and providing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass.

McNEALUS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Labor, to whom was referred

S. B. No. 21, A bill to be entitled "An Act prescribing the number of employes on all trains of more than sixty cars, and providing a penalty for the violation thereof, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do not pass.

HENDERSON.

Reasons for minority report:

The present law provides for two brakemen on all freight trains, and it is my opinion, after careful study and investigation that experience has shown that two brakemen are all that are necessary for the safe and efficient operation of all freight trains, regardless of length, except local trains, where the brakemen are required to load and unload freight, and, on these trains, where needed, three brakemen are provided for and furnished, and such trains are not affected by the present bill, as they are uniformly less than sixty cars in length.

The roads that operate trains more than sixty cars in length are the best constructed and best equipped lines in the State. They have very low and easy grades, well ballasted tracks and superior equipment, all of which has been provided at an enormous expense to such roads for the purpose of economy in operation which is to the interest of the public. To compel these roads to go to the expense of providing an additional and unnecessary brakeman is in my opinion so clearly wrong that it cannot be justified either in law or good conscience. A road that is so constructed and equipped that it is able to handle long trains of more than sixty cars has been put in that condition by the expenditure of much labor and money, and the proof

shows and experience has demonstrated that it is just as safe, if not safer, to operate trains of more than sixty cars on such roads with two brakemen as it is to operate much shorter trains on roads with heavy grades and inferior equipment.

I am convinced that the placing of a third brakeman on freight trains will simply place one more man in the way to be injured if an accident does occur, and his presence on the train will not have a tendency to prevent such accident.

The brakeman on the railroads in this country, together with other trainmen, have been favored as no other class of laborer in the country. They have, by an act of Congress, had their wages increased about 25 per cent. That has been done by legislative fiat, and they now ask the Legislature to arbitrarily and unnecessarily increase the number of brakemen that must be employed. I submit that in all good conscience they ought to be satisfied with the very large favor that has been conferred upon them by law, and which the people are required to pay, without calling upon the people at this time to shoulder and assume any burdens for this favored class of citizens.

In my opinion, the placing of additional and unnecessary burdens on the people we represent, at this time, is unjustifiable from every standpoint of right and morals.

This country is engaged in a war with a foreign nation and the railroads of the country are among the most important agencies that the government can use for the successful prosecution of this war. The railroads are experiencing difficulty in obtaining sufficient and competent brakemen to operate their trains, and the war, so far as this country is concerned, has hardly begun. When the troops and supplies and army equipment begins to move rapidly, as they evidently will, it will tax all the energies and the resources of the railroads of this State as they have never been taxed before. In addition to the movement of troops, equipment and army supplies, it is necessary for the welfare and happiness of our constituents that the railroads handle the normal amount of traffic in order that our stockraisers may get their livestock to market and our farmers and truck growers get their products to the market and in order that the

people may receive proper food and clothing for their sustenance and comfort.

To throw obstacles in the way of or to place additional burdens on the railroads in these troublous times is, in my opinion, so clearly wrong that I must enter my earnest protest against the passage of this bill. Everybody's burdens will necessarily be increased, and these burdens will grow as the war continues. In a laudable spirit of patriotism, the people are prepared to assume all necessary burdens without complaining. But they will have the right to complain and they will complain if their lawmakers, charged with a public trust, unnecessarily increase their burdens.

Everybody knows that all of the operating expenses of railroads must be paid by the people who patronize the railroads. This is not a mere theory; it is an established fact. To add to the operating expenses of the railroads will add additional burdens to the people.

The Democratic party stands for equal rights to all and special favors to none. Yet, in the very face of that tenet of Democracy, it is proposed to add enormously to the burdens of the people we represent and to unduly and unnecessarily favor a special class of railroad employes, and that, too, soon after they had been most munificently favored by an Act of Congress. President Wilson is urgently recommending that the people conserve all of their resources and eliminate all useless expense and waste. Yet, in the face of that recommendation, it is proposed to compel the railroads of this State who are earnestly striving to meet the requirements of our Democratic President, to assume additional and unnecessary burdens that will in the very nature of things render them less able to serve the country in this its most troublesome extremity and at the same time unnecessarily add to the burdens of the people we represent.

In my opinion, we should, in a spirit of patriotism and fairness, most respectfully decline, at the present time, to consider or enact this unnecessary and most unjust proposed legislation.

Respectfully submitted,
HENDERSON,

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act making appropriation to pay the salaries of officers and employes of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them as follows, to wit: State Orphans Home, Confederate Home, Confederate Woman's Home, Epileptic Colony, Deaf, Dumb and Blind Institute for Colored Youths, State Institution for the Training of Juveniles, Tuberculosis Sanatorium at Carlsbad, State Lunatic Asylum, Southwest Insane Asylum, North Texas Hospital for the Insane, Training School for Girls, State Hospital for Crippled Children, State Farm Colony for Feeble Minded, and State Bureau of Child and Animal Protection, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do not pass but that the following committee substitute be passed in lieu thereof and that said House bill be not printed but that said committee substitute be printed, but be not printed in the Journal.

HUDSPETH, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a majority of your Committee on Privileges and Elections, to whom was referred

S. B. No. 33, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes of the State of Texas of 1911, and to regulate elections, and prescribing certain qualifications of voters thereat, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do not pass.

DAYTON, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Privileges and Elections, to whom was referred

S. B. No. 33, A bill to be entitled "An Act amending Article 2939, Chapter 4, Title 49, Revised Civil Statutes of the State of Texas of 1911, and to regulate elections, and prescribing certain qualifications of voters thereat, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

DECHERD.

Committee Room,
Austin, Texas, May 5, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 7, A bill to be entitled "An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1912, and to cover authorized deficiencies for the fiscal year ending August 31, 1913, and to cover authorized deficiencies for the fiscal year ending August 31, 1914, and to cover authorized deficiencies for the fiscal year ending August 31, 1915, and to cover authorized deficiencies for the fiscal year ending August 31, 1916, being amount of registered deficiency warrants as shown by the records of the State Comptroller; and amounts estimated for the fiscal year ending August 31, 1917,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, and be printed.

HUDSPETH, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to amend Section 24, Chap-

ter 80 of Senate Bill No. 460, being an Act passed by the Thirty-third Legislature of the State of Texas, creating a more efficient road system for Bastrop County, Texas, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Gibson, Buchanan of Scurry, Floyd, Strickland, Smith, Clark.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 42, A bill to be entitled "An Act creating the Granger Independent School District in the County of Williamson, State of Texas; defining its boundaries, providing for a board of trustees to manage and control the public free schools within said district, etc., and providing for an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Bailey, Gibson, Dayton, Johnson, Page, Buchanan of Scurry, Harley.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 36, A bill to be entitled "An Act creating the Kenedy Independent School District known as the Kenedy Independent School District in Karnes County, Texas, and including within its limits the municipal corporation of the city of Kenedy, and other territory adjacent thereto, and defining its boundaries, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the

recommendation that it do pass, and be not printed.

Bee, Chairman; Bailey, Page, Dayton, Gibson, Johnson, Dean, Robbins, Harley, Buchanan of Scurry, Floyd.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 12, A bill to be entitled "An Act to amend Article 890, Chapter 6, Title 13, of the Penal Code, Revised Criminal Statutes, 1911, relating to the shipment of certain game, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Page, Chairman; Hudspeth, Henderson, Westbrook, Strickland, Hall, Sulter, Caldwell, Dayton.

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 18, A bill to be entitled "An Act to abolish the Cross Roads Independent School District, created under the general laws of the State of Texas, and to incorporate the Slocum Independent School District, consisting of the territory comprising the Cross Roads Independent School District, with all the powers, rights, and privileges of independent school districts; providing that the board of trustees of the said Cross Roads School District shall, for the term of office to which they were elected or appointed, continue to serve as trustees of the district incorporated, and that the taxes heretofore authorized to be levied by a vote of the people in the said Cross Roads Independent School District, may continue to be levied and collected in the district herein incorporated, vesting the title of property in said district, and declaring an emergency,"

Have had the same under consideration, and I am instructed to re-

port the same back to the Senate with the recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We your Committee on Finance, to whom was referred

S. B. No. 45, A bill to be entitled "An Act making appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with a recommendation that it do pass and be printed.

HUDSPETH, Chairman.

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 38, A bill to be entitled "An Act to create the Fort Stockton Independent School District at Fort Stockton in Pecos County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with a recommendation that it do pass and be not printed.

BEE, Chairman.

Committee Room,
Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 27, A bill to be entitled "An Act to aid the County of Chambers in constructing breakwaters, roads and bridges within said county, by donating and granting to it, the said County of Chambers, the State ad valorem taxes, collected on property and from persons in Chambers County, for a period of ten years and to provide a penalty for their misapplication,"

Have had the same under consideration, and I am instructed to re-

port same back to the Senate, with the recommendation that it do pass and be not printed, but printed in the Journal.

BAILEY, Chairman.

By Hall.

S. B. No. 27.

A BILL

To Be Entitled

An Act to aid the County of Chambers in constructing breakwaters roads and bridges within said county, by donating and granting to it, the said County of Chambers, the State ad valorem taxes, collected on property and from persons in Chambers County for a period of ten years, and to provide a penalty for their misapplication.

Whereas, on the 16th day of August, A. D. 1915, the County of Chambers was devastated by a severe storm or hurricane and calamitous overflow whereby all roads and bridges within said county were either totally destroyed or greatly damaged, and property of the value of many thousands of dollars was destroyed, thereby causing great damage to all the inhabitants of said county, which will require several years of incessant work and thousands of dollars to overcome, which caused and constitutes a great public calamity; therefore

Be it enacted by the Legislature of the State of Texas:

Section 1. That for a period of ten years commencing the fiscal year beginning October 1st, 1917, and ending the 30th day of September, A. D. 1927, there be and hereby are donated and granted to the said county of Chambers in the State of Texas, the net amounts of moneys collected from the following taxes:

First: The State ad valorem taxes collected upon property and from persons in the County of Chambers.

Section 2. At the end of each month, the collector of taxes for Chambers County, shall, on forms to be furnished by the Comptroller of Public Accounts, make an itemized report under oath, to said Comptroller, showing each and every item of State ad valorem, taxes collected by him, as provided for him in this Act, upon property and from persons within the County of Chambers and accompanying the same with a summarized statement, showing full disposition of all such State taxes collected; said collector shall present

such report, together with the tax receipt stubs, authorized by law to be kept, to the county clerk of Chambers County, who shall, within two days, compare said report with the stubs, and if the same agree in every particular, as regards names, dates and amounts, he (the clerk), shall certify to its correctness, for which examination and certificate he shall be paid by the commissioners court of said county, twenty-five cents for each certificate, and twenty-five cents for each two hundred tax payers on said report. The said collector shall then immediately forward his report so certified to the Comptroller, and shall pay over to the county treasurer of the County of Chambers, all moneys collected by him during said month, under the provisions of this Act, except such amounts as are allowed by law for assessing and collecting the same, and shall forward a duplicate copy of the receipt to him by the treasurer of the County of Chambers for such moneys to the Comptroller.

Section 3. The treasurer of the County of Chambers shall, at the end of each month, make an itemized report, under oath, to the Comptroller of Public Accounts, showing the amount of money received by him from the collector of taxes for Chambers County, and what disbursements, if any, have been made during said month of such moneys. The commissioners' court of the County of Chambers shall on the first Tuesday in February of each year, cause to be made an itemized statement, under oath, and in triplicate, showing the amount of money received by the County of Chambers under this Act, and how, to whom, and for what purpose the same has been expended. One copy of such statement, after having been audited, shall be forwarded to and filed by the county clerk of Chambers County, as hereinafter provided, and the other to the Comptroller of Public Accounts. The statement shall be sworn to by the county treasurer of Chambers County, and the correctness thereof shall be certified by an auditor appointed by the commissioners' court of said Chambers County, who shall, while auditing said statement, have before him, all vouchers upon which expenditures have been made from said fund. And no item of expenditure shall be allowed or passed by said auditor unless he have in his possession, legal and proper vouchers.

therefor, showing compliance with this Act, and upon the completion of said audit, the said report and all vouchers shall be attached together, numbered consecutively, and be, by said auditor returned to and thereafter safely kept by the county clerk of Chambers County as a part of the records of his office.

Section 4. The moneys herein and hereby granted and donated to the County of Chambers are declared to be a trust fund, for the purpose of aiding the County of Chambers in paying the interest and sinking fund upon an issue or issues of bonds, the proceeds of which bonds are to be used exclusively for the building and repairing of breakwaters, roads and bridges within said County of Chambers. The use or diversion of said moneys for any other purpose whatsoever, is hereby prohibited; provided, that whenever the moneys in the hands of the county treasurer received from the State under the provisions of this law, shall exceed the sum of one year's interest and two per cent sinking fund on the bonds herein referred to, that have been issued and then outstanding, such excess shall be invested by said county in the purchase of said bonds, or bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at the rate of not less than four per cent per annum; and provided, further, that the entire sinking fund, when received by the county treasurer of said county, shall be invested by the authorities of said county, as received in the bonds herein referred to, or bonds of the United States, the State of Texas, or the bonds of any county, city or town of the State of Texas, bearing interest at the rate of not less than four per cent per annum. A violation of the provisions of this section, shall constitute a misapplication of public money, and the person or persons so offending, shall be punished as provided for in Article 96, of the Penal Code of the State of Texas.

Section 5. Whereas, the inhabitants of Chambers County did, by reason of said storm and calamitous overflow, on August 16, 1915, suffer great irreparable loss of property, including public roads and bridges within said county, and that the inhabitants of said Chambers County are financially unable to construct suitable break-

waters and to repair the damages done to said roads and bridges creates an emergency, and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 28, A bill to be entitled "An Act to provide for the organization of a Ranger Home Guard for the protection of the frontier against marauding and thieving parties, foreign foes, or any enemy of the State of Texas, or the government of the United States, and for the suppression of lawlessness and crime throughout the State, or to suppress any invasion from an alien enemy of this State or any State of the United States of America; to prescribe duties and powers of members of such force; to regulate their compensation; and declaring an emergency,"

Have had the same under consideration and beg leave to report it back to the Senate with a recommendation that it do pass with the Committee amendment, and be printed in the Journal, only.

(1) Amend bill by striking out the words "Ranger Force," "Home Guard" and "Ranger Force or a Home Guard" wherever they appear and insert in lieu thereof "Ranger Home Guard."

(2) Substitute for Section 1 the following.

That the Governor be and he is hereby authorized to organize a force to be known as the Ranger Home Guard for the purpose of protecting the frontier against marauding and thieving parties and other lawlessness or any invasion by any foreign foe or alien enemy.

HUDSPETH, Chairman.

By Hudspeth.

S. B. No. 28.

A BILL

To be entitled

An Act to provide for the organization of a Ranger Home Guard for the protection of the frontier against marauding and thieving parties, foreign foes, or any enemy

of the State of Texas, or the Government of the United States, and for the suppression of lawlessness and crime throughout the State, or to suppress any invasion from an alien enemy of this State or any State of the United States of America; to prescribe duties and powers of members of such force; to regulate their compensation; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Governor be and is hereby authorized to organize a force to be known as a Ranger Force or a Home Guard, for the purpose of protecting the frontier against marauding and thieving parties, or any invasion by any foreign foe or alien enemy in this State, or in any other State of the United States of America, for the suppression of lawlessness and crime in this State, and for the protection of the citizens of this State or any other State.

Sec. 2. The Ranger Force of this State shall consist of not to exceed one thousand men, to be selected and appointed by the Governor, or under his direction, and all officers of said force necessary for the commanding, equipping and regulating of said force be appointed by the Governor; and any officer or member of said force shall be removed at the pleasure of the Governor, and shall serve for a period of three years, unless sooner removed by the Governor.

Sec. 3. The pay of officers and men in said force shall be as follows: Captain, one hundred and twenty-five dollars (\$125.00) per month; sergeants, sixty dollars (\$60.00) per month; privates, fifty dollars (\$50.00) per month. The payment shall be made at such times and in such manner as the Adjutant General of the State or the Governor may prescribe, and it is further provided that the Governor may appoint captains and other officers who may serve without pay, and also privates for said force who may serve without pay or cost to the State, except their immediate traveling expenses and feed for themselves and horses when transferred from their home to some other part of the State, under orders from competent authority.

Sec. 4. The State shall furnish each member of said force with one carbine and pistol at cost, the price of which shall be deducted from the

first money due such officer per man, shall furnish said force with rations of subsistence, medicines and medical attendance, camp equipage and ammunition for the officers and men, and also forage for the horses. The State shall pay funeral expenses of members of the Ranger Force dying in the service, and it is further provided that any person who may desire to join said force and who shall be appointed by the Governor and who shall stipulate that they are serving without pay, except as herein provided, may furnish his own carbine and pistol and shall be permitted to furnish his own horse or other means of transportation which may be acceptable to the captain of any company in which he may desire to enlist.

Sec. 5. The amount of rations and forage shall be that now or hereafter prescribed in the United States army regulations to be furnished by the State of Texas, provided that when it is impracticable to furnish rations in kind they may be commuted at not to exceed the rate of two dollars per man per day for such period.

Sec. 6. It is hereby agreed and understood that this is a separate and distinct Act passed at this time to cover a period of three years from the taking effect of this Act, and that it is cumulative of an Act passed by the Twenty-seventh Legislature providing for the organization of the Ranger Force, and does not in any wise repeal said Act as passed by the Twenty-seventh Legislature, except as to Section 3 of said Act, relative to pay of officers and privates of the present Ranger Force, and in that respect it is mandatory of said section providing for the payment of the salaries of said officers, and all officers and privates of the present Ranger Force are hereby from and after the taking effect of this Act placed on the same salaries as provided for in this Act, and in other respects this Act is cumulative of the present law governing the Ranger Force in this State.

Sec. 7. The sum of five hundred thousand dollars (\$500,000.00) or so much as may be deemed necessary, is hereby appropriated out of the funds in the State Treasury not otherwise appropriated, for the payment of the salaries, expenses or other necessary things incidental to the organization of said force, as herein provided.

Sec. 8. The fact that this government, of which this State is a part, is now engaged in a war with the Imperial German government and the further fact that we have something like eight hundred miles of border to be protected, and that the citizenship of this State and the property of said citizenship should be protected during the period of said war from any foreign foe or marauder or invader, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, your Committee on State Penitentiaries, to whom was referred S. B. No. 31, A bill to be entitled "An Act to amend Articles 6174, 6186, 6188, 6196, 6201, 6212, 6214, 6215, 6220, 6223, 6224, 6227 and by adding 6231a, Title 104, Chapters 1 and 2 of the Revised Civil Statutes of the State of Texas of 1911, regulating the management, control and financing the penitentiary system and the working of prisoners therein of the State of Texas, and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

DEAN, Chairman.

By Dean.

S. B. No. 31.

A BILL
To Be Entitled

An Act to amend Article 6174, 6181, 6186, 6188, 6196, 6201, 6212, 6214, 6215, 6220, 6223, 6224, 6227, and by adding 6231a, Title 104, Chapters 1 and 2 of the Revised Civil Statutes of the State of Texas of 1911, regulating the management, control and financing the penitentiary system, and the working of prisoners therein of the State of Texas, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 6174,

6181, 6186, 6188, 6196, 6201, 6212, 6214, 6215, 6220, 6223, 6224, 6227, and by adding 6231a, Title 104, Chapters 1 and 2 of the Revised Civil Statutes of the State of Texas of 1911, regulating the management, control and financing the Penitentiary system, and the working of prisoners therein of the State of Texas, to hereafter read as follows:

Article 6174. It is hereby declared the policy of this State to work all prisoners within the walls and upon the farms owned or leased by the State, and in no event shall the labor of a prisoner be sold to any contractor or lessee, nor shall any prisoner be worked on any farm not owned or leased by the State or otherwise upon shares; provided, that the prison commission may enter into contracts for work to be done by the convicts where the compensation to be paid for such work shall not be based on the amount of labor done by the convicts by the day, week, month or year.

Article 6181. The prison commission shall select one of its members as chairman and a majority of said commission shall constitute a quorum for the transaction of business. The commission shall keep, or cause to be kept, in a well bound book a minute of all proceedings.

Article 6186. The prison commission is authorized, and it shall be its duty, to cause to be constructed upon land now belonging to the prison system, and upon such land as may be bought hereafter, all necessary modern, well-ventilated prison buildings with proper bathing facilities and all necessary sanitary water closets and other sanitary arrangements within such buildings; also sanitary kitchens, dining rooms, hospitals, school rooms, and chapels, and other necessary conveniences for the benefit of the prisoners.

Article 6188. On the first Monday of each month, the prison commission shall remit to the State Treasurer all moneys received by them as such, from whatever source during the preceding month and belonging to the system. The Treasurer shall hold such fund as bailee for the prison commission, which fund shall be known as the prison commission account, and he shall give to the prison commission a deposit receipt for same, and shall pay out same on draft by the officer designated by Article 6192. The prison commission is authorized to draw upon

the prison commission account with the State Treasurer such sum or sums of money and at such time or times as in their judgment may be necessary for the transaction of the business of the system; provided, they shall not draw for a sum that will give them in hand and in bank, subject to disbursement, a sum in excess of one hundred and seventy-five thousand (\$175,000) dollars; and provided, further, the account of the prison system with the State Treasurer shall in no event be overdrawn, and in no event shall the State Treasurer ever permit an overdraft against the prison commission account to be paid. On December 1 of each year the State Treasurer shall ascertain the interest earned by the fund belonging to the prison system from the State depositories and place said sum to the credit of the prison commission account and send deposit receipt to the prison commission.

Article 6196. Salaries and qualifications of under-officers and employes. The prison commission shall, except as provided in this Title, fix the salaries of all officers and employes of the prison system upon such basis as the labor and ability of the officer or employe entitles him to, such salary to be paid monthly at the end of each month. They shall pay to those employed as guards of the convicts a salary of not less than forty (\$40.00) dollars per month; and furnish them board and lodging free. No person shall be employed as a guard to guard convicts who is not at least twenty-one years of age, of good moral character, and who is not able to read and write and has not a fair knowledge of the English language; and the prison commission may provide such other qualifications as they may deem expedient; provided, that no person shall be employed as a guard who is in any way addicted to the use of alcoholic or intoxicating liquors; and the prison commission shall require all officers and employes connected with the prison system to familiarize themselves with and conform to the rules and regulations and laws governing the prison system of this State; provided, the prison commission shall require all officers and employes with the prison system of this State to take and subscribe to the oath of office prescribed by the Constitution.

Article 6201. It shall be the duty of the prison commission to make pro-

visions for safe and speedy transportation of prisoners from counties where sentenced to such point in the penitentiary system as may be deemed best to send them and if such prisoners shall be intended for the farms it shall not be necessary to first transport them to Huntsville, by the sheriffs of such respective counties. If such sheriffs are willing to perform such services as cheaply as said commission can have it done otherwise. Said transportation shall be on State account; upon the arrival of each prisoner at the penitentiary or farm, the Prison Commission shall cause a statement to be made by the prisoner, giving a brief history of his life, and showing where he had resided, the names and postoffice addresses of his immediate relatives, and such other facts as will tend to show his past habits and character; and the Prison Commission shall, by correspondence or otherwise, verify or disprove such statements, if practicable, and shall preserve the record and information for future reference.

Article 6212. At the place where female prisoners are kept, none but married men shall be employed as guards; and the houses for such guards and their families shall be provided by the State, in which the families of the guards shall live.

Article 6214. Every prisoner who shall do extra work or work overtime shall be entitled to a credit for same and diminution of time, as hereinafter provided, as commutation time to be allowed to him in addition to the commutation time for good conduct now provided by law in Article 6217 of the Revised Civil Statutes of 1911; provided, such commutation time may be forfeited in whole or in part by the Prison Commission for misconduct or violation of the rules of the Prison System.

Article 6215. No prisoner shall be worked on Sunday except in cases of emergency or extreme necessity; provided, the Prison Commission shall be authorized to work prisoners on Sunday at labor that is necessary to be performed, such as cooks, waiters, lot men, and men attending to stock, and men engaged in the necessary operation of machinery; provided, for each Sunday or each hour on Sunday a prisoner is so worked he shall have deducted from his time two days for one day, or two hours

for one hour so worked by him as commutation time in addition to the commutation time now provided by law for good behavior.

Article 6220. Prisoners shall be kept at work under such rules and regulations as may be prescribed by the Prison Commission. No greater amount of labor shall be required of any prisoner than his physical health and strength will reasonably permit, nor shall any prisoner be placed at such labor as the prison physician may pronounce him unable to perform. No prisoner upon his admission to prison shall be assigned to any labor until having first been examined by the prison physician. Provided, that no prisoner shall be required to work more than nine hours per day, except that the Commission shall be authorized to work the prisoners on the farms of the Prison System in accordance with the following plan:

During the months of December, January and February, nine hours; during the months of March, April, July, August and November, ten hours; during the months of May, June, September and October, eleven hours.

The Commission is further authorized to work prisoners on the farms such time in addition to that stipulated above as may be agreed to by convicts who are desirous of shortening their terms as hereinafter provided.

Provided, that for each hour a prisoner may work in excess of nine hours a day an equal amount of time shall be deducted from the term of his sentence in addition to the commutation for good behavior now allowed by law; for each nine hours of overtime he shall be entitled to one day off his sentence.

The hours of labor shall be computed from the time of arriving at the place of work, where the distance is not greater than one mile and a half from the prison building, till the time of stopping work, exclusive of the intermission allowed for dinner which shall not be less than one hour. Provided, life term prisoners who are worked over or extra time, who, by reason of the nature of the sentence, cannot earn commutation, shall have entered and shown on his record as a credit, the amount of overtime worked, which shall be counted as time served on their sentences in addition to the actual time

served, on the same ratio as for prisoners having a term of years, which shall be reckoned in the consideration of their cases when applying for pardon or parole. Any officer or employe violating any provision of this article shall be dismissed from the service.

Article 6225. The Prison Commission shall make such rules and regulations as it may deem necessary and proper regarding reports of death of prisoners to relatives and friends, and with respect to the delivery of the bodies of prisoners to relatives and friends; provided, the Prison Commission shall cause to be kept a record of the deaths of the prisoners and the disposition of the bodies.

Article 6224. The Prison Commission or other persons in charge of prisoners, upon the death of any prisoner under their care and control, if he die suddenly or from accident or injury, shall at once notify the nearest justice of the peace of the county in which said prisoner dies of the death of said prisoner, and it shall be the duty of such justice of the peace, when notified of the death of such prisoner, to go in person and make a personal examination of the body of such prisoner, and said justice of the peace shall reduce to writing the evidence taken during such inquest, and shall furnish a copy of same to the district judge of the county in which said prisoner died; and the copy so furnished to said district judge shall be turned over by the district judge to the succeeding grand jury; and the said judge shall charge the grand jury if there should be any suspicion of wrong doing shown by the inquest papers, to thoroughly investigate the cause of such death, provided that no inquest shall be required when the prisoner died from natural causes, and has been under the care of the prison physician. Any officer or employe of the Prison System or employe of any prisoner at the time of the death by accident, injury or sudden death of such prisoner, who shall fail to immediately notify a justice of the peace of the death of such prisoner, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), and by confinement in the county jail not less

than sixty days, nor more than one year; provided, that the justice of the peace making such examination shall be paid a fee as is now provided by law for holding inquests, said fee to be on sworn account thereof approved and paid by the Prison Commission out of the penitentiary funds.

Article 6227. When a prisoner is discharged he shall be furnished with a written or printed discharge from the Prison Commission signed by the chairman of the Board of Prison Commissioners with the seal of the Commission affixed, giving the prisoner's name, date of sentence, from what county sentenced, the amount of commutation received, if any; the trade he has learned, if any; his proficiency in same, and such other description as may be practicable. He shall be furnished with a suit of clothing of good quality and fit, two suits of underwear, one pair of shoes and a hat, one shirt, \$5.00 in money, in addition to any money which he may have to his credit with the Prison Commission, and redeemable and non-transferable railroad transportation to the place from which he was sentenced or to such place as he may desire; provided, that the same be not a greater distance from the place where he is released than the place from which he was sentenced.

Article 6231a. The Prison Commission is hereby authorized, subject to the approval of the Governor of this State, to bring and maintain in any court of competent jurisdiction in this State, suits for the collection and enforcement of all demands and debts now owing or which may hereafter become owing to said Prison Commission, which suits may be maintained in the courts of competent jurisdiction of the county in which the residence of the Prison Commission is fixed by law. In such suits the defendant or defendants are hereby authorized to plead and urge by way of offset and counterclaim any valid and lawful claims and demands which such defendant or defendants may have against the Prison Commission.

Sec. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that there is now no adequate law upon the statute of this State providing for the efficient business management of the Penitentiary System, creates an emergency and imperative public necessity that

the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted, and declaring an emergency.

Committee Room,
Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred

S. B. No. 32, A bill to be entitled "An Act concerning loan and investment companies, defining same, and providing for their incorporation, powers and supervision,"

Have had the same under consideration, and I am instructed to report same back to the Senate, with the recommendation that it do pass, and be not printed but printed in the Journal.

GIBSON, Chairman.

By McNeafus and S. B. No. 32.
Harley.

A BILL To be entitled

An Act concerning loan and investment companies, defining same and providing for their incorporation, powers and supervision.

Be it enacted by the Legislature of the State of Texas:

Section 1. The term "Loan and Investment Company" as used in this Act means any corporation formed under the provisions of this Act.

Sec. 2. Corporations may be organized under and by virtue of this Act in the same manner as corporations for profit under and by virtue of Title 25 of the Revised Statutes, except as otherwise herein provided.

Sec. 3. The aggregate amount of the capital stock of a loan and investment company shall not be less than \$25,000 in any city having a population of less than 50,000 inhabitants, and shall not be less than \$50,000 in any city having 50,000 or more inhabitants and shall not be less than \$100,000 in any city having 150,000 inhabitants or more, according to the last official census. The capital stock of any such corporation shall be divided into shares of the par value of \$100 each. No corporation organized under this Act

shall create more than one class of stock.

Sec. 4. Every loan and investment company, in addition to the powers conferred upon corporations by the general incorporation law, shall have the following powers:

(a) To lend money and to deduct interest therefor in advance at a rate not to exceed 6 per centum per annum, and in addition to require and to receive uniform weekly or monthly installments on its certificates of indebtedness purchased by the borrower simultaneously with the said loan transaction, or otherwise, and pledged with the corporation as security for the said loan, with or without an allowance of interest on such installments.

(b) To sell or negotiate bonds, notes, certificates of investment and choses in action for the payment of money at any time, either fixed or uncertain, and to receive payments therefor in installments or otherwise, with or without an allowance of interest upon such installments.

(c) To charge for a loan made pursuant to this section one dollar for each fifty dollars or fraction thereof loaned for expenses, including any examination or investigation of the character and circumstances of the borrower, co-maker or surety and the drawing and taking acknowledgement of necessary papers or other expenses incurred in making the loan; no charge shall be collected unless a loan shall have been made as a result of such examination or investigation.

Sec. 5. No loan and investment company shall:

(a) Hold at any one time the obligation of any one person, firm or corporation for more than two and one-half per cent of the amount of capital and surplus of such loan and investment company.

(b) Make any loan under the provisions of this Act for a longer period than one year from the date thereof.

(c) Deposit any of its funds with any bank or trust company unless such bank or trust company has been designated as such depository by a vote of the majority of the directors of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated.

Sec. 6. Issuing certificates of investment and the like in the transaction of the business of corporations

organized hereunder shall not be construed to be borrowed money within the meaning of Article 1162 of Title 25 of the Revised Statutes.

Sec. 7. The provisions of Articles 522 to 525, inclusive, of the Revised Statutes relating to supervision by the Commissioner of Insurance and Banking, so far as applicable; together with any amendments thereof, shall apply to corporations incorporated under this Act.

8. The provisions of Chapter 25, Title 25, Revised Statutes, shall not apply to corporations organized under the provisions of this Act.

Committee Room,
Austin, Texas, May 3, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 35, A bill to be entitled, "An Act authorizing the commissioners court of any county in Texas, at any time while a state of war exists between the United States and another nation or nations, to confirm the appointment by the sheriff of said county of any number of deputy sheriffs deemed necessary by the Court, and to make provision for compensation of all deputies so confirmed, in all instances where revenues from fees of said sheriff's office are deemed by the court insufficient for such purpose, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal, with the following amendments:

(1) Amend the bill by adding after Section 3 the following:

"Section 4. Each additional deputy sheriff appointed under the foregoing provisions of this Act, before entering upon the discharge of his duties as such officer, and receiving any emolument or salary therefor, shall qualify by taking the oath of office and giving bond, as now required by law of deputy sheriffs in this State."

(2) Further amend the bill by numbering Section 4 of the bill section 5.

BAILEY, Chairman.

By Bailey

S. B. No. 35.

A BILL

To Be Entitled

An Act authorizing the commission-

ers court of any county in Texas, at any time while a state of war exists between the United States and another nation or nations, to confirm the appointment by the sheriff of said county of any number of deputy sheriffs deemed necessary by the court, and to make provisions for compensation of all deputies so confirmed, in all instances where revenues from fees of said sheriff's office are deemed by the court insufficient for such purpose.

Be it enacted by the Legislature of the State of Texas:

Section 1. That whenever a state of war exists between the United States and any other nation, and the sheriff of any county in Texas may make written application, to the commissioners court of such county, representing that the gross fees of his office are insufficient, to compensate him in the maximum amount allowed him by law and to provide proper compensation to such number of deputies as are deemed by him adequate for the preservation of peace and the protection of persons or property and service and enforcement of process, civil and criminal, in said county then the commissioner's court of such county shall have final jurisdiction, to be exercised either at a regular or special term of said court, to pass upon and determine the merits of such application, and to grant or refuse same in whole or in part.

Section 2. The said application of said sheriff shall be under oath, and shall state his estimate of the probable gross revenues of his office for the ensuing year, judged by past years, and shall name each present deputy of said sheriff and state the compensation paid each. It shall also state the number of additional deputies, desired to be confirmed by the commissioners court and the compensation desired, in each instance of each deputy, to be allowed by the court to supplement or fully pay the salary of each deputy indicated; and shall further state that in the judgment of applicant each deputy, named or requested in said application, is a necessary aid to applicant in the faithful discharge of the duties of his office and the preservation of peace in such county.

Section 3. The commissioners court in determining such application, shall hear evidence thereon, and shall have final jurisdiction to decide all matters

presented by said application, and to determine how many of the deputies indicated in said application are necessary, and to provide in each instance where deemed necessary by the court, a sum to be paid each deputy appointed under this Act, monthly, by the county, over and above all fees and allowance of said sheriff's office, and the court, in approving deputies and providing for their compensation, shall not be limited to the stipulated number of deputies permitted to a sheriff by laws in force prior to the passage of this Act. The order of the court made in said premises may be revoked or modified at any subsequent term, regular or special, of said court, after notice given said sheriff, and said order shall automatically cease, whenever the period of said war ceases.

Section 4. The fact that a state of war now exists between the United States and Germany, and that furthermore a state of civil war exists in the Republic of Mexico, and the fact that in many, if not all, of the counties of Texas the fees of the sheriff's office are grossly insufficient to provide an adequate number of deputies in order to preserve peace and to enforce the laws of Texas, create an emergency and an imperative necessity for the suspension of the Constitutional rule, requiring bills to be read on three several days, and this rule is hereby suspended, and this Act shall take effect from its passage, and it is so enacted.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 6, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. B. No. 46, A bill to be entitled "An Act amending an Act passed at the Regular Session of the Thirty-third Legislature of the State of Texas, entitled 'An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, operate, and maintain a public municipal auditorium upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from Public Square to Public

Municipal Auditorium, so as to grant to the City of Austin for ninety-nine years the said land for a municipal auditorium and market, to hereafter read as follows, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate, with the recommendation that it do pass, and be not printed but be printed in the Journal.

Buchanan of Bell, Chairman; Floyd, Caldwell, Henderson, Buchanan of Scurry.

By Caldwell.

S. B. No. 46.

A BILL
To be entitled

An Act amending an Act passed at the Regular Session of the Thirty-third Legislature of the State of Texas, entitled "An Act granting unto the municipal authorities of the City of Austin, Texas, the right to establish, operate and maintain a public municipal auditorium upon the tract of land bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin; and changing the designation upon the map of the City of Austin of said tract from Public Square to Public Municipal Auditorium," so as to grant to the City of Austin for ninety-nine years the said land for a municipal auditorium and market, to hereafter read as follows, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That the official and public designation upon the original plat of the City of Austin, Texas, made in A. D. 1839, of the block of ground in the City of Austin, Texas, bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, in the City of Austin, Texas, be and the same is hereby changed from Public Square to Public Municipal Auditorium and Market Square.

Sec. 2. That the State of Texas hereby cedes and grants to the City of Austin the plot or square of land described in Section 1 of the Act for a period of ninety-nine years from the taking effect hereof, and said city

through its municipal authorities be and the same is hereby authorized and empowered to establish, operate and maintain upon said block bounded on the north by Fifth Street, on the south by Fourth Street, on the east by Guadalupe Street, and on the west by San Antonio Street, a municipal auditorium and market, in which auditorium theatres, operas, concerts, lectures, fairs, shows and public exhibitions and entertainments generally can be conducted with or without pay; and in this market all kinds of produce may be bought and sold, either in the open square or in a market house constructed thereon; provided, however, that the State does not by this Act part with any title, color of title or interest which it now owns in the property described in this bill, except as granted herein. In the event, however, the City of Austin should fail to use the plot of land described herein for the purpose or purposes designated, the same shall revert to the State upon breach of condition subsequent.

Sec. 3. The crowded condition of the business before the Special Session and the fact that only a few days remain for legislative business, create an emergency requiring the suspension of the constitutional rule requiring that the bill shall be read on three several days, and said rule is accordingly suspended, and that this Act be in force and take effect from and after its passage, and it is so enacted.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills has carefully examined and compared Senate Concurrent Resolution No. 9 and find it correctly enrolled, and has this day at 3:30 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,

Austin, Texas, May 7, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills has carefully examined and compared Senate Bill No. 13 and find it correctly enrolled, and

has this day at 3:30 p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Harley.

S. B. No. 13.

A BILL

To be entitled

An Act to provide for the appointment of officers of the National Guard of Texas and prescribing their qualification and tenure of office; providing for the term and requirements for enlistment and the qualifications of enlisted men of the National Guard of Texas, and to repeal Articles 5802 and 5804, Revised Civil Statutes, 1911, and all other laws and parts of laws in conflict herewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. All officers of the National Guard of Texas shall be appointed and commissioned by the Governor, and shall hold their positions until they shall have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial or an efficiency board legally convened for that purpose.

Sec. 2. State officers, including officers of the pay, inspection, subsistence and medical departments, hereafter appointed shall have had previous military experience and vacancies among said officers shall be filled by the appointment from the officers of the militia of the State of Texas. All other officers of the National Guard of Texas shall be selected from the following classes:

Officers and enlisted men of the National Guard, officers on the reserve or unassigned list of the National Guard; officers, active or retired, and former officers of the United States army, navy and marine corps; graduates of the United States military and naval academies, and graduates of schools, colleges and universities where military science is taught under the supervision of an officer of the regular army, and, for the technical branches and staff corps or departments, such other civilians as may be especially qualified for duty therein.

Sec. 3. All officers of the National

Guard of Texas shall be citizens of the United States, over twenty-one and under sixty-four years of age, and shall take and subscribe the oath of office, and shall have successfully passed the physical examination as prescribed by the laws of the United States.

Sec. 4. The term of, and requirements for enlistment and the qualifications of enlisted men in the National Guard shall be that which is now or may hereafter be prescribed by the laws of the United States.

Sec. 5. Articles 5802 and 5804 of the Revised Statutes, 1911, and all other laws and parts of laws in conflict herewith are hereby repealed.

Sec. 6. The public importance of this Act and the immediate necessity of passing a law to conform to the requirements of the National Defense Act, approved June 3, 1916, in order that the State of Texas may participate in the Federal appropriations for the maintenance and support of the National Guard of the various States, create an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect from and after its passage, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, May 8, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

By unanimous consent the Chair announced that the Senate would stand at ease for ten minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	McNealus.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Harley.	Sulter.
Henderson.	Westbrook.
Hopkins.	Woodward.